

The Honorable Ruth Ann Minner
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Generally speaking, the use of frangible ammunition presented new conditions with its relation to the Savage System. The round, when striking the metal back plate, would disintegrate into powder, which in turn would be carried in the water that filtered through the system. Eventually, residue began building up in the system, clogging the sprayer head filters and impeding the operation of the conveyer belt system.

Various range personnel performed maintenance on the bullet trap and conveyor belt except for the period October 1999 through September 2001 when the State Police contracted out the maintenance of the bullet trap and conveyor system.

We found that in August 2003, the existing conveyor belt was replaced with a drag belt system intended to prevent sludge from building up and impeding the intended operation of the system.

MAINTENANCE

When the range opened in October 1998 lead ammunition was used for training. The use of lead ammunition produced hazardous dust particles and affected air quality. It was imperative that the range be kept clean to reduce the hazards. State Police personnel at the range were provided with equipment, HEPA vacuum and Zamboni machine, for the cleaning of the floor and walls; however, DSP personnel were not trained nor qualified to perform these functions.

Consequently, hazardous material cleaning was not always properly performed. In addition there were no records kept to document that routine maintenance functions were actually performed and how often.

We have identified the following to be major flaws in the construction, operation and maintenance of the State Police Firing Range.

- The original architects design was modified due to budget restrictions.
- Management personnel within the Division of State Police and Division of Facilities Management did not ensure the following were included in the annual operation budget:
 - Periodic maintenance of the HVAC system;
 - Periodic air quality testing;
 - Periodic maintenance of the bullet trap;
 - Periodic cleaning of the firing range (area of shooting) by personnel qualified in the removal of hazardous material.

State Police management never developed written policies and procedures for the maintenance and operation of the firing range. Our interviews with present and former State Police representatives indicated that range personnel were not provided with polices and procedures for the maintenance and operation of the range.

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On December 1, 2003, a new Sergeant took over command of the firing range. In an interview he informed us that shortly thereafter he met with the current staff and as a result of that meeting a decision was made not to perform any maintenance at the range. The staff made the decision not to continue performing maintenance and custodial functions due to health related issues and not being qualified to perform those functions.

On December 19, 2003, the Sergeant in charge sent an e-mail to his superiors noting that the conveyor system was not functional and expressing his and his staff's concern with health related issues pertaining to their performing maintenance on the bullet trap and recovery system. The Sergeant also indicated he had contacted the conveyor system supplier and an environmental group to resolve the current problems.

We found no evidence in the documentation made available to us where DSP command was notified that range staff would not be performing duties related to the maintenance and custodial functions historically accomplished by range staff. The DSP provided us with information that identified 42 days of firearms training from December 2003 until February 2004. In addition, the DSP Lieutenant Colonel stated that he spoke to the Captain in charge of the range and asked him whether or not the range should be closed and was told by the Captain that the range did not need to be closed.

When we interviewed the Sergeant we asked him if the conditions of the range, the bullet trap and recovery system not functioning properly, clouds of smoke lingering in the shooting area indicating that the ventilation system was not functioning, would that not have been reasonable cause to close the range. The Sergeant replied that there was not a safety issue therefore the scheduled shoots were not cancelled.

NOTE: It is our understanding that the Range Sergeant has the authority to close the firing range should he deem it unsafe or unhealthy.

We can only surmise that with the failing of the conveyor system, no maintenance performed on the bullet recovery system, and no custodial maintenance being performed to clean the firing range, that these situations contributed to an unhealthy and unclean environment leading to the ultimate closing of the firing range.

3. ISSUE: WERE ALL FUNDS APPROPRIATED FOR THE PROJECT EXPENDED FOR THEIR INTENDED PURPOSE?

The funding for the State Police Indoor Firing Range was provided over a period of years with the first funds appropriated in Fiscal Year 1994. Funding for this project continued through Fiscal Year 1999. This funding consisted of State Bond Bill appropriations totaling \$2,700,000, Minor Capital Improvement funds of \$309,329, U.S. Attorney Generals Funds of \$334,000, SLEAF funds of \$200,000, a Criminal Justice Council grant for \$41,492, and other State Police funds of \$233 for a total funding of \$3,585,054. Total expenditures for this project were \$3,582,082.

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We examined these expenditures against the microfilm records of Delaware Financial Management System (DFMS) maintained by the Division of Accounting, and available data from DAS's Operating Management System (OMS). All expenditures were verified and totaled to the amounts expended with the exception of the funds expended from Minor Capital Improvements (\$309,329). This appropriation contained expenditures for projects other than the firing range; as a result, firing range expenditures could not be identified.

An examination of the source documents (purchase orders, payment vouchers) was not conducted since many of these records were destroyed in a fire resulting in the total loss of the building and contents where these records were maintained. Our review of the DFMS records did not identify expenditures that were not appropriate

CERTIFICATE OF OCCUPANCY

During the course of our review we were informed that the State of Delaware did not obtain the appropriate Certificate of Occupancy (CO) from New Castle County. We contacted the New Castle County Department of Land Use and as a result of their review of the permit for the Delaware State Police Firing Range they concluded that a CO was not issued due to the following conditions identified by their inspector in July 1998:

1. The required State boiler inspection had not been completed.
2. The record plan inspection had not been performed.

In addition, during our discussions we mentioned the structural repair to the building due to the roof top mechanical systems and were informed that the repair would also require a permit and an inspection.

Mr. George Haggerty, Assistant Land Use Manager, New Castle County Department of Land Use provided the information discussed above to us in writing. The letter was provided to the Secretary, Department of Administrative Services, to ensure that the necessary corrective actions are taken in order to obtain a CO from New Castle County.

The Office of Auditor of Accounts would strongly suggest that the following be considered by the Department of Administrative Services and the Delaware State Police:

1. An independent HVAC contractor be hired to evaluate the current HVAC system at the range.
2. The Department of Administrative Services initiate a contract for building maintenance to include but not limited to the bullet trap, periodic range cleaning, removal of all hazardous wastes generated by the range.

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3. The Delaware State Police formulate written policies and procedures for the daily operations of the range. To include the daily cleaning, preventive maintenance procedures, delineation of duties for officers assigned to the range, policing of spent brass cartridges, emergency procedures, inventory and control of weapons stored at the range, the establishment of annual "occupational health" medical exam (i.e. blood lead monitoring and hearing exams for those assigned to the range). In addition to keeping all certifications current for all range personnel.
4. All Delaware State Police Officers assigned to the range be given instruction on the proper procedures for handling of hazardous waste.

On September 30, 2004, Mr. R. Ronald Draper, Chief Administrative Auditor, and Mr. Edward L. Watson, Field Audit Manager, met with Mr. Robert Carmine, Director, Special Investigations, Office of Attorney General to discuss the results of our review. As a result of our meeting, it was agreed that the Office of Attorney General would further review the issues.

On September 9, 2004, the Honorable R. Thomas Wagner, Jr., Auditor of Accounts, Mr. R. Ronald Draper, Chief Administrative Auditor, and Mr. Edward L. Watson, Field Audit Manager, met with the Honorable David B. Mitchell, J.D., Secretary, Department of Homeland Security and Safety, Colonel Aaron L. Chaffinch, Superintendent, Delaware State Police, and Lieutenant Colonel Thomas F. MacLeish, Deputy Superintendent, Delaware State Police, to discuss the findings contained within the report.

On September 17, 2004, a meeting was held with the following individuals to review and discuss the findings within the report:

The Honorable R. Thomas Wagner, Jr., Auditor of Accounts
R. Ronald Draper, Chief Administrative Auditor
Edward L. Watson, Field Audit Manager
The Honorable Roger Roy, Co-Chair, Bond Bill Committee
The Honorable Jennifer W. Davis, Budget Director
The Honorable David B. Mitchell, Secretary, Department of Homeland Security and Safety
The Honorable Gloria W. Homer, Secretary, Department of Administrative Services

The Honorable Ruth Ann Minner
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Sincerely,

OFFICE OF AUDITOR OF ACCOUNTS

R. Thomas Wagner, Jr., CFE, CGFM
Auditor of Accounts

RTW:ELW:CLF

cc: The Honorable Robert L. Venables, Chairman, Bond Bill Committee
The Honorable Roger Roy, Co-Chair, Bond Bill Committee
Members of the Bond Bill Committee
The Honorable Russell T. Larson, Controller General, Office of Controller General
The Honorable Jennifer W. Davis, Budget Director, Office of the Budget
The Honorable David B. Mitchell, J.D., Secretary, Department of Homeland Security and
Safety
The Honorable Gloria Wernicki Homer, Secretary, Department of Administrative Services
Colonel Aaron L. Chaffinch, Superintendent, Delaware State Police
Lieutenant Colonel Thomas F. MacLeish, Deputy Superintendent, Delaware State Police
Mr. James A. Hutchison, III, P.E., President, JAED Corporation

Case Number 2004-024

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Troopers' @ring range shut down

J.L. MILLER

Staff

NJ

Environmental problems are cited; state, expert differ on cost of repair

By J.L. MILLER, Dover Bureau reporter

Environmental problems have forced the closure of the state police indoor firing range near Smyrna, but estimates on what it will take to fix the problem vary dramatically.

The building, on Clark Farm Road, is contaminated with lead, copper, zinc and arsenic from ammunition.

Gloria Wernicki Homer, secretary of the state Department of Administrative Services, said the air-handling system needs "a little tweaking" and a bullet trap needs to be repaired.

Cleaning up the pollution and repairing the bullet trap, which catches bullets and contains the metal dust, would cost \$69,000 at most, Homer said.

Adding a ballistic ceiling, which would eliminate the danger of ricochets if a shot is inadvertently fired upward, could cost \$550,000 to \$650,000, Homer said.

The pollution issue, "as we see it, is not the air-handling system; it's the bullet trap," Homer said.

But William Provencher, head of Carey's Heating & Air Conditioning Inc. in Tinley Park, Ill., said the ventilation system is inadequate and should be replaced.

Bringing the shooting range up to U.S. Navy specifications, a recognized standard in the field, would cost about \$2.2 million - not

including the environmental cleanup, Provencher said.

Provencher's company, which developed the standard used by the Navy, evaluated the Smyrna range at the request of state police.

"I was asked to look at the ventilation system originally. The first thing that struck me when I walked into the range had nothing to do with ventilation," Provencher said. "It was the exposed concrete construction. A misfired round could possibly come back at a shooter."

The state needs to install a ballistic ceiling and a new bullet trap, Provencher said.

Ventilation systems for modern ranges move air past the shooter at a rate of 75 feet per minute, the equivalent of a breeze of about 1 mph, thus keeping pollutants from lingering.

"What they have there, in my opinion, won't meet the standard," Provencher said.

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Lt. Col. Tom MacLeish, the state police deputy superintendent, said his agency agrees with the Division of Facilities

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Management that a new [air] handling system is unnecessary. He said state police asked for an opinion from Provencher's company in February.

"Remember, he is trying to sell us something," MacLeish said. "That was shared with Facilities Management, and they agreed with us."

MacLeish said the police stopped using the **range** in January and closed the building Friday after the lead levels in two employees' blood rose significantly. The lead levels remained within what he called acceptable limits.

In 2001 the police stopped using lead bullets on the **range**, replacing them with so-called "frangible" bullets that disintegrate into dust when they hit the target. Those bullets are made of copper, zinc and tin.

However, the shotgun shells used on the **range** contain lead shot, and the primers that ignite ammunition also contain lead.

Officers must qualify on the **range** twice a year, and the spring shoot will take place in May and June, most likely at the state's outdoor Ommelanden facility near New Castle, MacLeish said.

Homer said the Smyrna **range** could be back in operation in a matter of weeks if all that is needed is to repair the bullet trap and clean the site. Installing a ballistic ceiling would take months, she said.

The state has been in contact with bullet-trap manufacturers. A decision on a ballistic ceiling has not been made.

The **firing range** has had problems from the beginning.

When construction began in the mid-1990s, a mistake in a land survey cost an additional \$85,000 in earth-moving costs. Later, the roof sagged because the heating and air-conditioning system was heavier than anticipated.

Weapons instructors complained of gunpowder fumes and metallic odors as soon as the **range** opened in 1998. Subsequent air-quality tests showed that the instructors, who spend more time at the **range** than the shooters, were being exposed to unhealthful levels of lead.

The ventilation system was repaired, but when the bullet trap broke the system "got out of whack in 2000," Homer said. "It wasn't able to handle the contaminants in the air because of the broken bullet trap. Under normal circumstances it works just fine," she said.

Homer said the current problems came to her attention in February, adding, "We have been working with the state police to resolve the issue."

Reach J.L.Miller at 678-4271 or jlmiller@delawareonline.com.

Photo Caption:

The News Journal/SCOTT NATHAN

The police **firing range** has been plagued by problems.

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Range targeted for closing: Health concerns shut Smyrna site

By Tom Eldred, Delaware State News

SMYRNA - The Delaware State Police firing range near Smyrna, once touted as a state-of-the-art facility, has been closed due to environmental problems.



Capt. Gregory Warren, who is in charge of all state police training operations, said the situation is so serious there's no telling when the indoor range will reopen.

"This pistol range is the absolute epitome of a project from hell since its very inception," Capt. Warren said Wednesday.

"At the end of this week, nobody will be allowed in the building. The building will be abandoned as of Friday. The entire building is contaminated with lead."

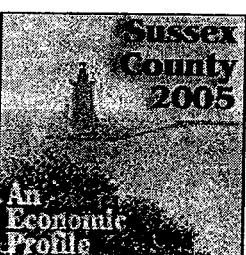
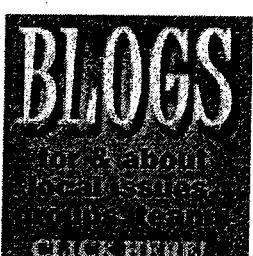
He said health issues are a factor.

"There were multiple symptoms experienced by our latest recruit class that used the facility in January," he said. "They complained of nosebleeds, sore throats, headaches and what they called a "penny taste" in their mouths."

Capt. Warren said the range, completed in August 1998 at a cost of \$3.3 million, started experiencing structural and health-related problems only months after it opened that September.

A May 1999 article in the Delaware State News said the facility was closed briefly to training activities then because of air-quality problems that left two troopers with above-normal lead content in their blood.

At the time, approximately 2,000 police officers from the state police and other law enforcement agencies were using the range annually.



Capt. Warren, who took over as head of the state police Training Academy and related training operations in March 2002, said he became aware of serious environment concerns within the building after a supervisory change at the facility in December 2003.

Sgt. Christopher H. Foraker, a former range supervisor, was ordered reassigned to the facility in December by a federal judge following a successful lawsuit against state police Superintendent Col. L. Aaron Chaffinch in U.S. District Court.

"Chris Foraker came back Dec. 1 and couldn't believe his eyes," Capt. Warren said. "He said it was a hornet's nest. He brought it to my attention in late December and I've been working on it since then, trying to figure out how we're going to rectify the problems."

Capt. Warren said those problems focus on a number of areas, including the facility's faulty ventilation system and a bullet trap that has ceased functioning.

He said exposed structural concrete in the ceiling traps contaminants and is dangerous in case there is a bounce back from an accidental discharge from a firearm.

He said the roof leaks and substandard doors that are not bullet-resistant pose a constant danger in the event of a stray or ricocheting bullet.

"The entire facility is covered with red dust," Capt. Warren said. "You could shoot a .22-caliber bullet through those doors and it wouldn't stop. The more I see and read about what has happened here, the more I get sick to my stomach."

And there is more, he said.

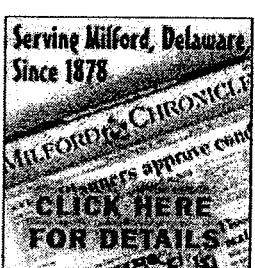
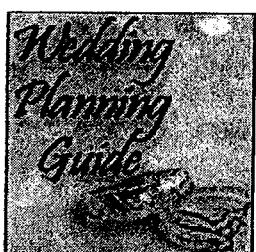
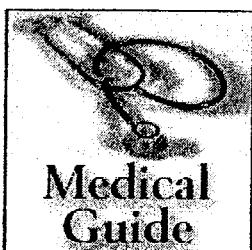
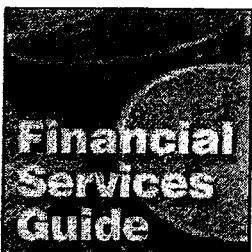
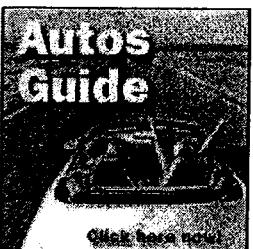
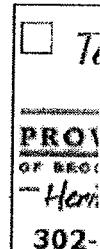
"There is no fence around the facility, there are no restrooms for women and there is no sprinkler system," he said.

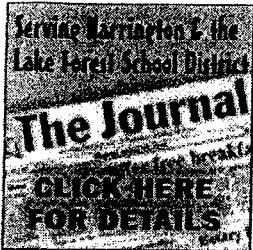
"We store chemical weapons and thousands of rounds of ammunition in there. If that building ever catches on fire, I pray for the firemen responding."

Capt. Warren said the situation got so bad in January that an outside engineering contractor with expertise in air quality relating to indoor firing ranges was called in.

The firm, Illinois-based Carey's Heating and Air Conditioning Inc., said their inspection revealed repairs in excess of \$2 million would be needed to bring the range up to standards.

Gloria Homer, secretary of the state Department of Administrative Services, said responsibility for the firing range falls under Facilities





Management, one of her department's divisions.

She said Facilities Management is aware of the problems and has a plan that has been approved by Lt. Col. Thomas F. MacLeish, deputy superintendent of the state police, who is in charge of day-to-day agency operations.



Lt. Col. MacLeish did not return repeated telephone messages Friday.

Ms. Homer said Facilities Management was advised of the problems in late February or early March.

"The state police originally wanted to raze the present building and put up a new structure," she said. "Facilities Management took a look at the situation and came up with a plan. We plan on taking the route that will make the building functional and healthy again."

Ms. Homer said the first priority is a cleanup by an environmental cleanup firm.

The next step, she said, would be to repair the bullet trap, which she acknowledged was damaged by the use the "frangible" bullets that replaced lead bullets for training purposes several year ago.

"Then we'll check out the HVAC system to make sure the air flow is right," she said. "We have been responsible for the air handling system at the range since it's inception and have changed the filters on a regular basis.

"We understand there's an issue. Our whole purpose is to work with the state police so they can use the facility again."

Ms. Homer said Facilities Management is also looking into installing a "ballistics ceiling" but that such a project would be quite expensive. She said she hoped repairs could be completed and the range reopened within a "few months."

She said she was unaware of major structural problems outlined by Capt. Warren, or that there may have been health issues related to contaminants in the building.

"I'm surprised by his comments," she said. "We are looking for the most efficient way to get a healthy facility back in operation for people."

William J. Provencher Jr. is president of Carey's Heating and Air Conditioning Inc.

He said his firm has a contract with the U.S. Navy and has designed and installed more than 50 air venting systems for small arms firing ranges.

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"The basic purpose of any system is to remove the contaminants out of the respiratory zone," he said. "The standard is to move the air at 75 feet per minute past the shooters.

"The fan they have at the state police range in Delaware can't push the air at 75 feet per minute, even if they lower the ceiling. The equipment just can't do it.

"What the range needs is a new ventilation system. That, in my opinion, is not negotiable."

Mr. Provencher said HVAC equipment, currently on the roof, should be placed at ground level. He said a new ballistic ceiling should be added and a new bullet trap should be installed.

"It's not going to be an inexpensive project," he said, adding that preliminary estimates are in excess of \$2.1 million.

Ms. Homer said she has not had a chance to review the report from Carey's.

"We'll certainly take a look at it," she said. "But it's our feeling that after looking after this system for five and a half years, there's no reason to think it won't be efficient in the future, once we get the place cleaned up."

Capt. Warren said that although nobody will be allowed to use the range in its present state, there are already health concerns.

"We have at least two range personnel that have been put at a health risk because of this," he said. "I've never seen anything like this in my life. Everything we should have done was done wrong."

He said the first spring shoot for state police troopers, originally scheduled for March and April has been cancelled.

"Starting May 1, we'll be shooting outdoors at the New Castle County and Wilmington police range off Del. 9 near New Castle," he said. "It's going to be tough. It'll be crowded and we'll have to contend with the weather."

Capt. Warren said other law enforcement agencies that use the Smyrna range - from the FBI to the federal Drug Enforcement Administration to local police departments - would have to fend for themselves until the facility reopens.

"We'll have enough trouble scheduling the 620 troopers who use the range three times a year," he said.

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Senior writer Tom Eldred can be reached at 741-8212 or

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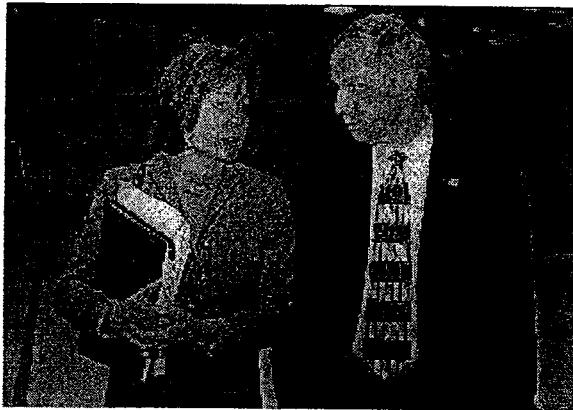
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newszap.com**Debate rages on blame at range***By Tom Eldred,
Delaware State News*

SMYRNA - A media tour Tuesday of the closed Delaware State Police indoor firing range near Smyrna revealed that the facility - shut down last month because of environmental concerns - is a mess.

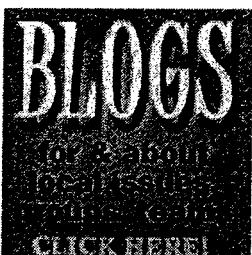


A strong metallic odor pervades the interior and sections of the building are littered with live ammunition and other dangerous items.

Flammable materials are stored in the shooting area, and a state-of-the-art bullet trap is mired in a sludge-like goo of bullet fragments and other wastes.

Determining who is at fault is another matter.

Gloria W. Homer, secretary of the state Department of Administrative Services, led the tour. State police Superintendent Col. L. Aaron Chaffinch and his administrative officer, Maj. Paul Eckrich, accompanied her.



Robert Furman, director of the Facilities Management division was also present.

Mrs. Homer said Facilities Management only provides "custodial" services and is not otherwise responsible. Col. Chaffinch acknowledged problems but indicated the blame lies only with one or two troopers under his command.

"We are not responsible for the equipment or cleanup of the range," Mrs. Homer said as she began the tour.

"There are several areas that are contaminated here. We don't know how contaminated it is, so you enter at your own risk. A lot of the contaminants are airborne but we are unclear if they are at



(unacceptable) levels.

"The people who have complained about the facility are also the same people who are in charge of the facility."

The firing range, completed in 1998 for \$3.3 million, served as the firearms training center for 600-plus state police troopers and hundreds of other law enforcement officers before it was closed in March.

Capt. Gregory A. Warren, training director for the state police, was designated by the agency to meet with the Delaware State News in mid-March to discuss the closing.

He said the decision came from Deputy Superintendent Lt. Col. Thomas F. MacLeish after members of a January recruit class complained of nosebleeds, headaches and sore throats.

Capt. Warren said the range is contaminated with high levels of lead, copper and zinc, and has had environmental problems almost from the day it opened.

He said cost-cutting during construction deleted bullet-resistant doors. He said a sprinkler system was never installed even though ammunition is stored there, and there is no ladies restroom.

Mrs. Homer said Facilities Management ordered environmental tests last week to gauge the level of contamination. She said results should indicate the extent to which a cleanup must be completed and repairs, if any, made.

She could not say when the facility might reopen.

"We're looking for the test results later this week," she said. "I haven't seen any indication yet that those (that used the range) have had higher than standard lead levels in their blood. The proof is in the blood tests, not in how well the equipment works."

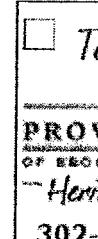
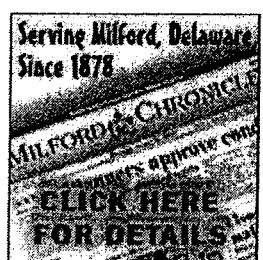
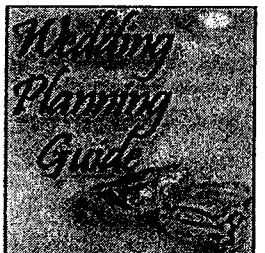
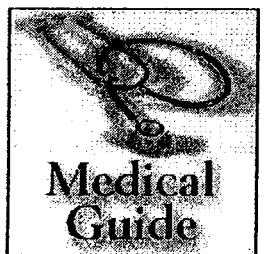
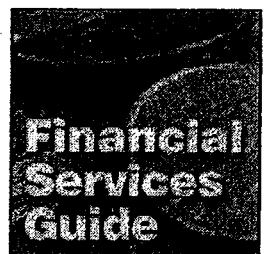
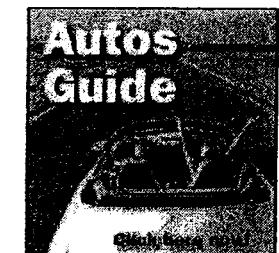
Mrs. Homer downplayed complaints from Capt. Warren that the ventilation system has never worked properly and is insufficient to keep proper amounts of fresh air circulating.

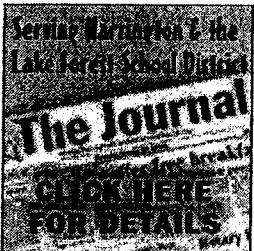
"Ventilation can only do so much," she said. "The hygiene of the facility is just as important."

As they moved through the range, which features a windowed instructors' control booth, a large open shooting area, and various classrooms, storage rooms and offices, Mrs. Homer and Mr. Furman pointed to material scattered on the floor or on shelves.

Mrs. Homer said that while she'd heard the complaint of no sprinkler

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system, she noted that large stacks of flammable cardboard targets were stored in the firing area.

She said a visit to a range in Virginia used by federal agents revealed no sprinkler system there either. She said ammunition is not stored in the federal facility.

She pointed to a propane gas tank on the floor at the back of the range.

"These individuals who have complained about non-ballistic doors have stored a propane tank back there," she said. "Look at the cardboard piled up here. As you can see, there's quite a lot of flammable material stored in this facility. That wasn't in the original plans."

She peered at a large motorized industrial sweeper used to sweep bullet debris from the floor of the shooting area. She noted that the usage meter read 22.4 hours.

"Those are cumulative hours," Mr. Furman said. "We bought it shortly after the facility opened but we're not responsible for using it."

"This equipment looks like it's never been used," Mrs. Homer added.

The bullet trap, which runs across the end of the range, is scarred with bullet fragments, flaking paint and leaking debris.

"The bullet trap wasn't cleaned properly," Mrs. Homer said. "The back, where the track is, was so poorly maintained that it became unworkable."

She took issue with Capt. Warren's report of no restroom for women, pointing to a door down a hallway marked, "Women."

"As you can see, we do have one," she said.

Col. Chaffinch said he was unaware ammunition should not be stored in the facility.

"I knew there was ammunition in this building but I didn't know it wasn't supposed to be here," he said. "When I was here in the fall, everything was going as well as the previous times I'd been here."

He said he attended a "staff shoot" in September.

"There was some discoloration in the bullet trap but that was about it," he said. "I think people who live in glass houses shouldn't throw stones. It's a lot dirtier now. Things seemed in their proper places in the fall. I've never seen it like this."

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Asked what "people" he was referring to, Col. Chaffinch said he was

referring to "the people that provided (the media) with this information in the first place."

"The previous sergeant in charge did a good job," he continued. "Things changed in December when another sergeant came in. That's at least a portion of where the ball was dropped."

The "previous sergeant" was Sgt. Richard Ashley, who was picked by the colonel in April 2002 to replace Sgt. Christopher D. Foraker as range supervisor.

After Sgt. Foraker successfully sued the colonel in U.S. District Court last year, the court ordered Sgt. Foraker returned to his old job. Capt. Warren has a federal job discrimination lawsuit against Col. Chaffinch pending.

"We will work collectively with Administrative Services to make corrections and establish a standard operating procedure protocol," Col. Chaffinch said.

"If the people that are assigned here now don't feel that protocol is part of their protocol, they will be assigned elsewhere."

Contacted later, Col. Chaffinch said Sgt. Ashley has retired. He would not permit the Delaware State News to interview Capt. Warren or Sgt. Foraker.

"I have the authority to say yes or no," he said. "I'm not going to allow those people to be interviewed at this point in regard to this particular situation. I'm not trying to create any more of a mess than we already have."

He praised Sgt. Ashley for his work at the range.

"Because of the frangible ammunition we were using, the bullet trap required hands-on, daily cleaning," he said. "Sgt. Ashley was willing to do that."

"I cannot say Sgt. Foraker was willing to do that. He was interested in instruction and teaching people how to shoot. He did not feel (bullet trap cleaning) was part of his purview. He felt that was putting him in harm's way."

Attorney Thomas S. Neuberger, who represented Sgt. Foraker in the lawsuit against Col. Chaffinch, responded for his client.

"This is a despicable lie and slander for which the state and Col. Chaffinch will be held fully accountable," Mr. Neuberger said.

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"His cronyism is now endangering the lives of all troopers who have

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used the firearms training unit. He removed Chris to protect a friend's wrongdoing. He put another inexperienced friend in there who in my opinion was in over his head.

"A federal judge ordered Chris back and while Chris was away, the firearms training unit went to pot and the health of all troopers has been endangered. If he feels Chris has been derelict in his duty, we will gladly welcome the challenge."

Mr. Neuberger said Facilities Management is trying to "cover up the dangers" evident at the firing range.

"Col. Chaffinch is the leader of the state police," he said. "He should be outraged. But instead of leading the charge, he is leading the cover-up. Instead of taking a stand for the men and women who work under him, he is participating in a cover-up. That is a disgrace."

Sgt. Vincent P. Fiscella Jr. is president of the Delaware State Troopers Association.

"While we are alarmed at the finger pointing, the DSTA will rely upon the state police, the Department of Safety and Homeland Security and the appropriate state officials to take any corrective action necessary with the firing range," he said.

"Absent appropriate action on their part, the troopers' association will revisit this matter and explore other opportunities."

Sgt. Fiscella said problems at the facility started long before December.

"The firing range has a history of documented problems," he said. "Those problems predate the troopers currently assigned there."

Senior writer Tom Eldred can be reached at 741-8212 or at teldred@newszap.com.

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1 - SJN@NeubergerLaw.com

From: "Stephen J. Neuberger" <SJN@NeubergerLaw.com>
To: <sjn@NeubergerLaw.com>
Sent: Wednesday, April 21, 2004 8:22 AM
Subject: 2004-04-21 - DSN

Published: Apr 20, 2004 - 11:32:57 pm EDT

Minner asks auditor to probe police range
By Tom Eldred, Delaware State News

DOVER - State Auditor R. Thomas Wagner Jr. confirmed Tuesday that he has been asked by Gov. Ruth Ann Minner to conduct an investigation into the troubled state police firing range near Smyrna.

Mr. Wagner said the governor's request, received Tuesday, follows on the heels of an identical call made by state Controller General Russell T. Larsen Monday.

State police closed the range in March because of environmental concerns after members of a recruit class complained of nosebleeds, headaches and a "penny taste" in their mouths.

Gov. Minner's request was announced by state Budget Director Jennifer J. Davis.

"The governor has asked Tom Wagner to go in and do an audit of the firing range," Mrs. Davis said.

"It makes sense. We've been fielding a lot of questions and I'm not sure we can answer them all. The firing range (was planned and built) during a different administration. The governor thinks it makes sense to have a full accounting."

Mr. Larsen said he asked the auditor to get involved when he realized limited personnel in his office could not fully answer a request for information on costs associated with the range within a reasonable timeframe.

The request was made several weeks ago by state Rep. Roger P. Roy, R-Wilmington, co-chairman of the legislative Bond Bill Committee.

"We have been having quite a lot of difficulty getting all the information from the Department of Administrative Services," Mr. Larsen said.

"There's no speculation of culpability. It's a matter of manpower. We can only go so far. We don't know what the story is here at this point. We pretty much know what was spent but we don't know where it was spent."

Rep. Roy said he requested the financial history after fellow lawmaker Rep. William A. Oberle, R-Newark, asked the bipartisan Bond Bill Committee to hold a special hearing on claims that the facility had experienced numerous problems for years because of significant design flaws.

The Bond Bill Committee sets appropriations for capital expenditures in the state.

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